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----- 055265

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FM SECSTATE WASHDC

TO AMEMBASSY CAIRO

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E.O. 11652: N/A

TAGS: PFOR, EG

SUBJECT: PRIVILEGES AND IMMUNITIES

REFS: (A) CAIRO 1682 (B) CAIRO 2960

1. WE HAVE TRIED TO PUT TOGETHER, IN REASONABLY COHERENT FORM, PRIVILEGES AND IMMUNITIES ACCORDED MEMBERS OF EGYPTIAN EMBASSY WASHINGTON. SITUATION IS COMPLICATED BY THREE FACTORS: FIRST, TERMINOLOGY AND STAFF CATEGORIES USED IN OUR VARIOUS P AND I LEGISLATION DIFFER IN SOME RESPECTS FROM THOSE OF VIENNA CONVENTION. RESULT IS THAT WE ACCORD SOME PRIVILEGES NOT CALLED FOR UNDER THE CONVENTION. SECOND, CERTAIN PRIVILEGES ACCORDED ONLY ON BASIS OF RECIPROCITY. THIRD, PRIVILEGES ACCORDED DIPLOMATIC OFFICERS AND STAFF DIFFER IN VARIOUS RESPECTS AMONG THREE LOCAL JURISDICTIONS IN WASHINGTON AREA. NONETHELESS, WE HOPE FOLLOWING WILL GIVE YOU ADEQUATE BASIS FOR YOUR DISCUSSIONS WITH MFA PROTOCOL CHIEF OLAMA.

2. FOLLOWING IS SUMMARY OF PRIVILEGES AND IMMUNITIES

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PRESENTLY ACCORDED PERSONNEL OF EGYPTIAN EMBASSY WASHINGTON:

A. FREE ENTRY PRIVILEGES. ALL DIPLOMATIC OFFICERS MAY IMPORT, OR WITHDRAW FROM CUSTOMS BONDED WAREHOUSE, FREE OF DUTY AND TAXES, ARTICLES FOR PERSONAL OR FAMILY USE DURING ENTIRE PERIOD OF OFFICIAL RESIDENCE. ONLY LIMITATION ON FREE ENTRY PRIVILEGE IS THAT DIPLOMATIC OFFICERS

OTHER THAN CHIEF OF MISSION MAY IMPORT NO MORE THAN 2 AUTOMOBILES IN 3-YEAR PERIOD (NO LIMIT ON COM OR OFFICIAL AUTOMOBILES). FREE ENTRY PRIVILEGES ARE EXTENDED TO NON-DIPLOMATIC STAFF ON BASIS OF RECIPROCITY. PRESENTLY, NON-DIPLOMATIC STAFF (INCLUDING SERVICE STAFF) OF EGYPTIAN EMBASSY WHO ARE EGYPTIAN NATIONALS (AND NOT PERMANENT RESIDENTS OF U.S.) ARE ACCORDED FREE ENTRY PRIVILEGES FOR ARTICLES, INCLUDING AN AUTOMOBILE BUT EXCLUDING ALCOHOLIC BEVERAGES AND TOBACCO, IMPORTED IN CONNECTION WITH ARRIVAL TO TAKE UP DUTIES AND FOR SIX MONTHS THEREAFTER. NO RESTRICTIONS ON RESALE FOR ANY OF ABOVE. ALL OF FOREGOING IMPORTS (OTHER THAN PERSONAL BAGGAGE OF DIPLOMATIC OFFICERS AND FAMILIES) TECHNICALLY SUBJECT TO ROUTINE CUSTOMS INSPECTION, BUT INSPECTION NOT NORMALLY MADE.

B. TAXES. ALL MEMBERS OF DIPLOMATIC STAFF, AND MEMBERS OF NON-DIPLOMATIC STAFFS WHO ARE NATIONALS OF SENDING STATE, NOT PERMANENT RESIDENTS OF THE U.S., AND NOT "SERVANTS", ARE:

(I) EXEMPT FROM DIRECT FEDERAL EXCISE TAX (TELEPHONE SERVICE, CERTAIN DOCUMENTARY STAMPS);

(II) EXEMPT FROM INDIRECT FEDERAL MANUFACTURER'S EXCISE TAXES (GASOLINE AND LUBRICATING OIL, FIREARMS, TIRES AND TUBES, FISHING EQUIPMENT);

(III) EXEMPT FROM FEDERAL AND STATE (D.C., VIRGINIA AND MARYLAND) INCOME TAX ON OFFICIAL INCOME. (THIS EXEMPTION ALSO EXTENDS TO MEMBERS OF NON-DIPLOMATIC STAFFS WHO ARE THIRD-COUNTRY NATIONALS, NOT PERMANENT RESIDENTS OF U.S., AND NOT "SERVANTS").
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AS TO OTHER TAXES, SITUATION IS AS FOLLOWS:

(IV) MEMBERS OF DIPLOMATIC STAFF ALONE ARE EXEMPT FROM D.C. GASOLINE TAX. NO EXEMPTION FROM MARYLAND AND VIRGINIA GASOLINE TAXES.

(V) DIPLOMATIC STAFF, AND MEMBERS OF NON-DIPLOMATIC STAFFS

WHO ARE NATIONALS OF SENDING STATE, NOT PERMANENT U.S. RESIDENTS, AND NOT "SERVANTS", ARE EXEMPT FROM ("INDIRECT") D.C. SALES TAXES. DIPLOMATIC STAFF ALONE EXEMPT FROM ("INDIRECT") VIRGINIA SALES TAX. MEMBERS OF DIPLOMATIC STAFF AND SPOUSES EXEMPT FROM ("DIRECT") MARYLAND SALES TAX, AND EXEMPTION ALSO EXTENDED TO OTHER MEMBERS OF FAMILIES OF DIPLOMATIC STAFF, MEMBERS OF ADMINISTRATIVE

AND TECHNICAL STAFFS AND MEMBERS OF THEIR FAMILIES (INCLUDING THIRD-COUNTRY NATIONALS), IN ACCORDANCE WITH VIENNA CONVENTION, IF SENDING STATE A PARTY THERETO.

C. AUTOMOBILE REGISTRATION AND LICENSE PLATES. DIPLOMATIC OFFICERS AND FAMILY MEMBERS WHO LIVE IN D.C. OR MARYLAND ARE ISSUED D.C. DPL LICENSE PLATES AND REGISTRATION FREE OF CHARGE. DIPLOMATIC OFFICERS, BUT NOT FAMILY MEMBERS, WHO RESIDE IN VIRGINIA ARE ISSUED VIRGINIA DPL PLATES AND REGISTRATION FREE OF CHARGE. MEMBERS OF NON-DIPLOMATIC STAFFS WHO ARE NATIONALS OF SENDING STATE AND NOT PERMANENT U.S. RESIDENTS OR "SERVANTS" PAY USUAL REGISTRATION AND TITLE FEES (BUT NOT TAX ON LATTER) IN D.C., AND ALL FEES AND TAXES IN VIRGINIA (BUT THOSE RESIDENT IN VIRGINIA MAY REQUEST D.C. REGISTRATION). THERE IS NO CHARGE FOR THEIR REGISTRATION IN MARYLAND.

D. DRIVERS PERMITS. MEMBERS OF DIPLOMATIC STAFF AND THEIR FAMILIES (REGARDLESS OF JURISDICTION IN WHICH THEY RESIDE) RECEIVE D.C. DPL DRIVER'S PERMITS FREE OF CHARGE. IF THEY HAVE VALID INTERNATIONAL, FOREIGN OR OTHER PERMIT, ROAD TEST PORTION OF EXAMINATION IS WAIVED. MEMBERS OF NON-DIPLOMATIC STAFFS RECEIVE REGULAR PERMITS, TAKE STANDARD EXAMINATION, AND PAY USUAL CHARGE. MARYLAND LIMITED OFFICIAL USE

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AND VIRGINIA WILL ISSUE ONLY REGULAR PERMITS REQUIRING STANDARD EXAMINATION AND PAYMENT OF REGULAR FEE.

E. IN SPITE OF LIMITATION OF SOME OF FOREGOING PRIVILEGES TO "NATIONALS OF SENDING STATE," WE WILL EXTEND THOSE PRIVILEGES PROVIDED FOR BY THE VIENNA CONVENTION TO THIRD-COUNTRY NATIONALS WHO ARE MEMBERS OF ADMINISTRATIVE AND TECHNICAL STAFFS ON BASIS OF RECIPROCITY.

F. TERM "SERVANTS" AS USED ABOVE IS SLIGHTLY BROADER THAN TERM "PRIVATE SERVANTS" USED IN ARTICLE 37, PARAGRAPH 4 OF CONVENTION, IN THAT IT INCLUDES SOME PERSONNEL (E.G. OFFICIAL CHAUFFEURS) WHO ARE MEMBERS OF "SERVICE STAFF". YOU WILL NOTE THAT ARTICLE 37, PARAGRAPH 3 DOES NOT REQUIRE EXTENSIVE PRIVILEGES FOR MEMBERS OF SERVICE

STAFF.

3. YOU WILL PERCEIVE THAT, OF ITEMS DISCUSSED REF A, EGYPTIAN PERSONNEL HERE SEEM TO ENJOY SUBSTANTIALLY BETTER TREATMENT THAN PERSONNEL OF EMBASSY CAIRO ONLY WITH RESPECT TO RESALE OF IMPORTED GOODS. VIENNA CONVENTION DOES NOT DEAL WITH IMPOSITION OF CUSTOMS DUTY UPON RESALE OF IMPORTED GOODS, SO CASE WILL HAVE TO BE BASED STRICTLY ON RECIPROCITY.

4. AS TO EGYPTIAN RESERVATION TO ARTICLE 37, PARAGRAPH 2 OF VIENNA CONVENTION, WE SEE NO REASON TO MAKE AN ISSUE OF IT AT THIS POINT UNLESS RESERVATION INVOKED AS BASIS FOR FAILURE TO EXTEND ANY PRIVILEGES CALLED FOR BY CONVENTION. RUSH

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